# BLACKWELL SANDERS PEPER MARTIN

720 Olive Street Suite 2400 St. Louis, MO 63101 Tel (314) 345-6000 Fax (314) 345-6060 WEBSN'E: www.blackwellsanders.com RECEIVED
CENTRAL FAX CENTER

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## FACSIMILE COVER SHEET

DATE:

FROM:

December 3, 2004

TIME:

3:09 PM

RECIPIENT

FAX Number 703-872-9306

COMPANY/FIRM NAME
USPTO-Office of Petitions

PHONE NUMBER

Ms. Retta Williams

IJSPTO - Office of Petitions

\_\_\_

Samuel Digirolamo

DIRECT DIAL:

(314) 345-6225

DIRECT FAX:

(314) 345-6325

OPERATOR:

Jennifer C.

EXT. No.:

6620

BILLING CODE:

718149.2

TOTAL # OF PAGES:

13

MESSAGE:

Ms. Williams:

Attached hereto is our Petition to Withdraw Holding of Abandonment of U.S. Patent Application No. 10/064,898 which was faxed to the USPTO on August 10, 2004 as evidenced by the Auto-Reply Facsimile Transmission received from the USPTO. All documents attached to our original Petition are likewise attached hereto. If you have any questions regarding this Petition, please call me at 314-345-6225.

Please acknowledge receipt of this Petition as we have been informed on numerous occasions that the USPTO had received this Petition as evidenced the Auto-Reply Facsimile Transmission documents attached hereto.

Sam Digirolamo

PRIVILEGED AND CONFIDENTIAL information intended only for the use of the addressec(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

DEC 0 3 2004 ~

# Auto-Reply Facsimile Transmission



Fax Sender at 3143456060

Fax Information

Date Received: Total Pages:

8/10/2004 4:46:38 PM [Eastern Daylight Time]

9 (including cover page)

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Received Cover Page

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late:	August 10, 2004	T	E:	3:37 PM.	
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ROM:	Samuel Dighetzmo				
DURCT MAL:	(314) 345-6225	Dia	ect fau	(314) 345-6325	
OFERATOR:	Jennifir Christyles	Kef.	.No.:	6620	
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# **Auto-Reply Facsimile Transmission**



TO:

Fex Sender at 3143456060

Fax Information

Date Received: Total Pages: 8/10/2004 4:42:50 PM [Eastern Daylight Time]

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ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Petition

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PATENT

718149.2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Harold P. Amann

Examiner: GREENE, Jason M.

Serial No.: 10/064,898

Inventor: Harold P. Amann

Attorney Docket No.: 718149.2

Group Art Unit: 1724

Filed: August 27, 2002

Attorney Docket No.: 718149.2

For: FILTER HOUSING ASSEMBLY

Customer No.: 27,128

FOR USE IN OXYGEN

Customer 140.. 27,126

CONCENTRATORS AND OTHER

Confirmation No.: 7976

COMPRESSORS

Last Office Action: November 3, 2003

# PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO 37 CFR §1.181

Mail Stop: ISSUE FEE
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Via Facsimile: 703-872-9306

Sir:

In response to the Notice of Abandonment mailed July 26, 2004, Applicant responds as follows.

Applicant received a Notice of Abandonment in the above-identified pending patent application dated July 26, 2004, a copy of which is enclosed herewith. The Notice of Abandonment indicates that the issue fee and publication fee were not paid within the statutory period. Applicant respectfully contends that the present application is not in fact abandoned and

12-03-04 03:18pm From-BSPM T-816 P.005/013

F-075

Petition

Inventor: Harold P. Amann Attorney Docket No.: 718149.2

that the issue and publication fee was timely paid within the statutory period of three (3) months from the mailing date of the Notice of Allowance. The Notice of Allowance was mailed on March 9, 2004 and established the statutory due date for payment of the issue fee and publication fee as June 9, 2004. On May 27, 2004, Applicant paid the issue fee and publication fee via fax transmission. Applicant is also enclosing herewith a photocopy of the original issue fee transmittal form executed by Applicant's attorney, which fee transmittal form likewise includes a certificate of mailing or transmission dated May 27, 2004. Also enclosed herewith is the fax transmission confirmation sheet indicating that the issue fee transmittal form was faxed at 4:10 p.m. on May 27, 2004 and that such transmission was okay or received. The fax transmission confirmation sheet is sufficient evidence according to 37 CFR §1.8 (a)(1) and (b)(2) to establish a prima facie case that the issue fee and publication fee for the above-identified pending application was timely paid.

Applicant therefore respectfully requests that the Notice of Abandonment be withdrawn and that deposit account number 11-0160 be charged with the total issue fee and publication fee due in this matter, namely, \$965.00.

Respectfully submitted,

Date: 10 August 04

Samuel Digirolamo

Reg. No. 29,915

Blackwell Sanders Peper Martin LLP

720 Olive Street, 24th Floor St. Louis, Missouri 63101

(314) 345-6225

ATTORNEYS FOR APPLICANT

Petition Inventor: Harold P. Amann Attorney Docket No.: 718149.2

#### Attachments:

- (1) Notice of Abandonment
- Issue Fee Transmittal
- (2) (3) Fax Confirmation Sheet Transmission

12-03-04

03:19pm

From-BSPM

T-816 P.007/013 F-075

DEC 0 3 2004

MESSAGE CONFIRMATION

AUG-10-2004 03:47 PM TUE

FAX NUMBER : 3143456060

NAME

: BLACKWELL SANDERS

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RESULTS

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BLACKWELL SANDERS PEPER MARTIN

720 CX1-r: S0001 State 2400 St. Lonia, MO 63101 Tel. (\$44) 343-4000 Fan (\$14) 345-4060 WEBSTE: www.blackowsbarn.htm.com

#### FACSIMILE COVER SHEET

DATE:	August 10, 2004	Time:	3:37 PM	
<u>Recipient</u> Mail Stop:     15	FAX NUMBER 703-872-9306	COMPANY/FIRM NAME USPTO	PHONE NUMBER	
FROM:	Samuel Digirolamo			
Direct Dial;	(314) 345-6225	DIRECT FAX:	(314) 345-6325	
OPERATOR:	Jennifer Christopher	EXT. NO.:	6620	
BILLING CODE:	718149-2	TOTAL # OF PAGES:	8	

#### MESSAGE:

Attached and PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO 37 CFR \$1.181 - Application Serial No. 10/064,898.

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### MESSAGE CONFIRMATION

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FAX NUMBER : 3143456060

NAME

: RLACKWELL SANDERS

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BLACKWELL SANDERS PEPER MARTIN

720 Chive Short Seas 2400 St. Louis, MO 63101 Tel (356) 365-6000 Fee (354) 365-4040

#### FACSIMILE COVER SHEET

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FROM:	Samuel Digirolamo		
DIRECT DIAL:	(314) 345-6225	DIRECT FAX:	(314) 345-6325
OPERATOR:	Jennifer Christopher	Ext. No.:	6620
BILLING CODE:	718149-2	TOTAL # OF PAGES:	8

#### MESSAGES

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Attached flud PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO 37 CFR §1.181 - Application Serial No. 10/064,898.

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# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P. Br. 1459

P.O. Box 1450 Alexandria, Vincinia 22313-1450

		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
APPLICATION NO.	FILING DATE		718149.2	7976
10/064,898	08/27/2002	Harold P. Amaun	/1014/16	
			EXAM	NER
27128 79	90 07/26/2004		GREENE.	IASON M
BLACKWELI	L SANDERS PEPER M	MARTIN LLP		
720 OLIVE ST	REET		ART UNIT	PAPER NUMBER
SUITE 2400 ST. LOUIS, M			1724	
, \$1.10013, M	O 05		DATE MAILED: 07/26/200	4

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

AUG 03 2004



United States Patr

OF DATEMES AND TRADEMARKS

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Washington,	D.C. 20231

LICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNE	Y DOCKET NO.
10004	898			
			EXA	MINER
				PAPER NUMBER
			ART UNIT	PAPER NOWBER
			DATE MAILED:	
		NOTICE OF ABANDONMENT		
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Applica	nt's failure to timely	file a proper reply to the Office letter mailed on_		_ <del></del> ·
		ficate of Mailing or Transmission ofwhich is after the expiration of the period fmonth(s)) which expired on	d for reply (including a to	otal
	37 CFR 1.113 to to (A proper reply un which places the	was received on, but it does n he final rejection. does not	nly of; (1) a timely filed an	mendment with appeal fee);
	A reply was receiv	ved on, but it does not constitute e non-final rejection, See 37 CFR 1.85(a) and 1.	e a proper reply, or a bon 111. (See explanation in	a fide attempt at a the last box below).
_ [	No reply has been	received.		
Applica of three	nt's failure to timely months from the m	pay the required issue fee and publication fee, i nailing date of the Notice of Allowance (PTOL-85	f applicable, within the si ).	latutory period
	<sup>J</sup> Transmission date	publication fee, if applicable, was received on_ ed, ), which is after the expiration blication fee) set in the Notice of Allowance (PTC	of the statutory period for	or payment of the
	The submitted fee The issue fee by 3 37 CFR 1.18(d) is	s of \$ Is Insufficient. A balance of \$ 37 CFR 1.18 is \$ The publication fee, \$	is due. if required, by	
Ī.	The issue fee and	publication fee, if applicable, have not been rec	eived.	

Proposed corrected drawings were received on \_\_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_\_ ), which is after the expiration of the period for reply.

No correcte of drawings have been received.

the Notice of Allowability (PTOL-37).

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in,

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:
Petrons to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filled to minimize any negative effects on patient term.

By mail:

# Atta ment to Notice of Abanda nent

# For questions concerning the notice contact Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet website:
http://www.uspto.gov/web/patents/pubs/abandonnotice.html

# Respond to the Notice of Abandonment by one of the following:

 Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment into filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.80) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPPF 503 Pestcard Receipt as Prima Facile Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandra, VA 22313-1450 By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandoument Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No ice required

Where an applicant contends that the original Notice of Allowance and Fec(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and anesting to the fact that a seatch of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed trust be stached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 By facsimile: 703-872-9306

# 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: http://www.uspto.gov.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

#### PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

OF PAX (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed when oppropriate. All further correspondence including the Pazent, advance orders and profileation of maintenance fees will be mained to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

27178

7590

03/09/2004

BLACKWELL SANDERS PEPER MARTIN LLP 720 OLIVE STREET

FILING DATE

SUTTÉ 2400 ST. LOUIS, MO 63101 Note: A certificate of mailing can only be used for domestic mailings of the Foc(s) fransminal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(g) Transmittal is being deposited with the United
States Postal Service with sufficient possing for first class mail in an envelope
addressed to the Mail Stop ISSUE FEE address above, or being facsimile
transmitted to the USFTO, on the date indicated below.

Jennifer Christopher aust) (Sign (De CONFIRMATION NO. ATTORNEY DOCKET NO. FIRST NAMED INVENTOR

APPLICATION NO. 718149.2 Harold P. Amann 08/27/2002 10/064,898 TITLE OF INVENTION: FILTER HOUSING ASSEMBLY FOR USE IN OXYGEN CONCENTRATORS AND OTHER COMPRESSORS

APPLN. TYPE	SMALL ENTITY	ISSUE FI	Œ	PUB	LICATION FEE	TO	TAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665			\$300		5965	06/09/2004
EXA	MINER	ART UN	п	CLA	SS-SUBCLASS			
GREENÉ	, JASON M	1724			95-273000			
CFR 1.363).  Change of correspond Address form PTO/SB//  "Foe Address" hold: pTO/SB/47; Rev 03-02 Number is required.	tion (or "Fee Address" Indica or more recent) attached. Us	Correspondence  ition form a of a Customer	names of agents Of firm (bay agent) an anomeys will be pr	y up to 3 R, alternativing as a mod the name of agents.	ne patent front p registered pater vely, (2) the us number a registre es of up to 2 n If no name is	nt attorneys and of a si- ared attorne- existered pa	or l <del>Poper</del>	ell Sanders Martin LLP
3. ASSIGNEE NAME AN	D RESIDENCE DATA TO	E PRINTED ON	THE PATEN	IT (print or	type)			
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PART B - PEE(S) TRANSMITTAL

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